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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
ALUNKAL, THOMAS D	

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2627	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/706,114	KITAMURA, YUUJI	
	Examiner	Art Unit	
	Thomas D. Alunkal	2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 June 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3,5,6,8,10,11,13,15,16,18 and 20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3,5,6,8,10,11,13,15,16,18 and 20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *13 November 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 6/1/07 have been fully considered but they are not persuasive.

Applicant argues that Tosaki does not disclose the features of cancelled claims 2, 4, 7, 9, 12, 14, 17, and 19, wherein the subject matter of each has been incorporated into their former respective base claims. The Examiner respectfully disagrees. Regarding independent claims 1, 6, 11, and 16, Tosaki discloses the limitation "and when the acquisition of the specific information from the medium is impossible, the authorization of the medium is determined based on a kind of error information obtained in the acquiring step." The Final Office Action, dated 2/1/07 cites Paragraphs 37, 41 and Figure 5, Elements 109 and 111 as providing disclosure of this limitation. The Action also explains, "Pickup, Figure 5, Element 104 detects error signals in addition to specific copyright information" which is required by the limitation. This limitation is further disclosed in Paragraph 36 which discloses that the apparatus of Tosaki may additionally be provided with a wobble detecting means for identifying whether the optical disk is writable or not. More specifically, based on the judgment of whether the wobble exists (which correlates to "a king of error information" in the presented claims), protection of the disc (i.e., prevention of reproduction) is maintained. Thus, even when the acquiring specific information from the second control data area is not possible, reproducing content judgment is maintained. Similarly, Tosaki discloses the added limitation to independent claims 3, 8, 13, and 18, which recite first specific

information, correlating to wobble, and second specific information, correlating to pre-recorded information (see Paragraph 36).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1,3,5,6,8,10,11,13,15,16,18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tosaki et al (hereafter Tosaki) (U.S. PgPub 2002/0159360) in view of Inchalik et al (hereafter Inchalik) (US PgPub 2003/0002671).

Regarding Claim 1, Tosaki disclose a medium judgment method which determines authorization of a read-only disc having a read-only area for use in an optical disk drive (Paragraph 36), acquiring a specific information of the medium from an information reproduction area of the read-only area of the medium (see Paragraph 33), determining whether contents of the medium are authorized based on the acquired specific information (see Paragraph 33), permitting running of a starting process of the optical disk drive with the medium when the authorization of the medium is determined as being correct (see Paragraph 32), and inhibiting running of the starting process of the optical disk drive with the medium when the authorization of the medium is determined as being incorrect

(see Paragraph 35), and when the acquisition of the specific information from the medium is impossible, the authorization of the medium is determined based on a kind of the error information obtained in the acquiring step see (Paragraphs 36, 37, and 41 and Figure 5, Elements 109 and 115. *Pickup, Figure 5, Element 104 detects error signals in addition to specific copyright information. Also, see response to arguments above*). Tosaki does not disclose the use of a hybrid disc (i.e. a disc with both read-only and rewritable areas) as the recording medium to be judged in a read-only optical disk drive. In the same field of endeavor, Inchalik discloses a medium judgment method which determines authorization of a hybrid disc (Paragraphs 12,13,14 and Figure 8), wherein the method is being used to read the rewritable storage medium in a read-only optical disk drive (Figure 8, Element 190).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to provide the authorization medium judgment method of Tosaki to the authorizing hybrid optic disc of Inchalik, motivation being to precisely identify the disk without spoiling its physical format and to provide stronger restraint for preventing the illegal use of the disk at a lower cost (Paragraph 26 of Tosaki).

Regarding Claim 3, Tosaki discloses a medium judgment method which determines authorization of a read-only disc having a read-only area (see Paragraph 23) for use in an optical disk drive (Paragraph 36), acquiring first specific information of the medium from a wobbling groove of the medium (see Paragraph 34), acquiring a second specific information of the medium from an

information reproduction area of the read-only area of the medium (see Paragraph 38), the second specific information being pre-recorded in the information reproduction area when the first specific information is copied (see Paragraph 40), determining whether contents of the medium are authorized based on both the acquired first specific information and the acquired second specific information (see Paragraphs 34 and 35), permitting running of a starting process of the optical disk drive with the medium when the authorization of the medium is determined as being correct (see Paragraph 32), inhibiting running of the starting process of the optical disk drive with the medium when the authorization of the medium is determined as being incorrect (see Paragraph 35), and when the acquisition of the first specific information from the medium is impossible and the acquisition of the second specific information from the medium is possible, the authorization of the medium is determined based on both a kind of the error information obtained in the first acquiring step and the acquired second specific information (see Paragraphs 36, 37, and 41 and Figure 5, Elements 109 and 111. *Here, judgment is based on whether wobble, in both fist and second data areas, exists or not, in addition to the error signals disclosed in Paragraph 41. Also, see response to arguments above*). Tosaki does not disclose the use of a hybrid disc as the recording medium to be judged in a read-only optical disc drive. In the same field of endeavor, Inchalik discloses a medium judgment method which determines authorization of a hybrid disc (Paragraphs 12,13,14 and Figure 8), wherein the method is being used to read

the rewritable storage medium in a read-only optical disk drive (Figure 8, Element 190).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to provide the authorization medium judgment method of Tosaki to the authorizing hybrid optic disc of Inchalik, motivation being to precisely identify the disk without spoiling its physical format and to provide stronger restraint for preventing the illegal use of the disk at a lower cost (Paragraph 26 of Tosaki).

Regarding Claim 5, Tosaki discloses when the acquisition of the firs specific information from the medium is impossible and the acquisition of the second specific information from the medium is impossible, the authorization of the medium is determined based on both error information obtained in the first acquiring step and error information obtained in the second acquiring step. (see Paragraphs 37 and 41 and Figure 5, Elements 109 and 111. *Here, judgment is based on whether wobble, in both fist and second data areas, exists or not, in addition to the error signals disclosed in Paragraph 41*).

Regarding claims 6 and 11, each of these claims contain limitations similar to those in claim 1, and are rejected over the same grounds. It is noted that the program of Tosaki is inherently installed in the hardware of system control circuit (Figure 5, Element 11), which allows for judgment method to be performed.

Regarding claims 8 and 10 and 13 and 15, each of these sets of claims contain limitations similar to those in claims 3 and 5, and are rejected over the same grounds.

Regarding Claim 16, Tosaki discloses an optical disk drive (see Figure 5), which determines authorization of a optical disk having a read-only area (see Paragraph 23), a system control unit (see Figure 5, Element, 111) controlling the entire optical disk drive, an optical head (see Figure 5, Element 104) irradiating a light beam to the disk and performing reading/writing of information with the disk by the control of the system control unit, a motor rotating the disk (see Figure 5, Element 106), a position control unit (see Figure 5, Elements 105 and 107) performing a position control of the optical head and a rotation control of the motor by the control of the system control unit; the system control unit comprising an acquiring unit (see Figure 5, Elements 104 and 105) acquiring specific information of the disk from an information reproduction area of the read-only area of the disk, a determining unit determining whether contents of the disk are authorized based on the acquired specific information (see Paragraph 35), a permitting unit permitting running of a starting process of the optical disk drive with the disk when the authorization of the disk is determined as being correct (see Paragraph 32), an inhibiting unit inhibiting running of the starting process of the optical disk drive with the disk when the authorization of the disk is determined as being incorrect (see Paragraph 35), and when the acquisition of the specific information from the medium is impossible, the authorization of the medium is determined based on a kind of the error information obtained in the acquiring step see (Paragraphs 36, 37, and 41 and Figure 5, Elements 109 and 115. *Pickup, Figure 5, Element 104 detects error signals in addition to specific copyright information. Also, see response to arguments above*).

Tosaki does not disclose the use of a hybrid disc as the recording medium to be judged in a read-only optical disc drive. In the same field of endeavor, Inchalik discloses a medium judgment apparatus which determines authorization of a hybrid disc (Paragraphs 12,13,14 and Figure 8), wherein the method is being used to read the rewritable storage medium in a read-only optical disk drive (Figure 8, Element 190).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to provide the authorization medium judgment method of Tosaki to the authorizing hybrid optic disc apparatus of Inchalik, motivation being to precisely identify the disk without spoiling its physical format and to provide stronger restraint for preventing the illegal use of the disk at a lower cost (Paragraph 26 of Tosaki).

Regarding Claim 18, Tosaki discloses an optical disk drive (see Figure 5), which determines authorization of an optical disk having a read-only area (see Paragraph 23), a system control unit (see Figure 5, Element, 111) controlling the entire optical disk drive, an optical head (see Figure 5, Element 104) irradiating a light beam to the disk and performing reading/writing of information with the disk by the control of the system control unit, a motor rotating the disk (see Figure 5, Element 106), a position control unit (see Figure 5, Elements 105 and 107) performing a position control of the optical head and a rotation control of the motor by the control of the system control unit; the system control unit comprising a first acquiring unit (see Figure 5, Elements 104 and 105) acquiring a first specific information of the disk from a wobbling groove of the disk (see

Paragraph 34), a second acquiring unit (see Figure 5, Elements 105 and 107) acquiring a second specific information of the medium from an information reproduction area of the read-only area of the medium (see Paragraph 38), the second specific information being pre-recorded in the information reproduction area when the first specific information is copied (see Paragraph 40), a determining unit determining whether contents of the disk are authorized based on both the acquired first specific information and the acquired second specific information (see Paragraphs 34 and 35), and an inhibiting unit inhibiting running of the starting process of the optical disk drive with the disk when the authorization of the disk is determined as being incorrect (see Paragraph 35), and when the acquisition of the first specific information from the medium is impossible and the acquisition of the second specific information from the medium is possible, the authorization of the medium is determined based on both a kind of the error information obtained in the first acquiring step and the acquired second specific information (see Paragraphs 36, 37, and 41 and Figure 5, Elements 109 and 111. *Here, judgment is based on whether wobble, in both fist and second data areas, exists or not, in addition to the error signals disclosed in Paragraph 41. Also, see response to arguments above*). Tosaki does not disclose the use of a hybrid disc as the recording medium to be judged in a read-only optical disc drive. In the same field of endeavor, Inchalik discloses a medium judgment apparatus which determines authorization of a hybrid disc (Paragraphs 12,13,14 and Figure 8), wherein the method is being used to read

the rewritable storage medium in a read-only optical disk drive (Figure 8, Element 190).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to provide the authorization medium judgment method of Tosaki to the authorizing hybrid optic disc apparatus of Inchalik, motivation being to precisely identify the disk without spoiling its physical format and to provide stronger restraint for preventing the illegal use of the disk at a lower cost (Paragraph 26 of Tosaki).

Regarding Claim 20, Tosaki discloses when the acquisition of the firs specific information from the medium is impossible and the acquisition of the second specific information from the medium is impossible, the authorization of the medium is determined based on both error information obtained in the first acquiring step and error information obtained in the second acquiring step. (see Paragraphs 37 and 41 and Figure 5, Elements 109 and 111. *Here, judgment is based on whether wobble, in both fist and second data areas, exists or not, in addition to the error signals disclosed in Paragraph 41*).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Akiyama et al (US 6,414,922) disclose an optical recording medium having an area for recording a plurality of recording/reproduction conditions to be used in recording/reproducing apparatuses. Konishi et al. (US 6,285,638) disclose a disk and disk recording apparatus with playback prevention

means. Muramatsu et al. US 5,926,453) disclose an optical disk having first and second recording areas with wobble frequencies that do not interfere with an EFM signal.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas D. Alunkal whose telephone number is (571)270-1127. The examiner can normally be reached on M-F 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on (571)272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

WAYNE YOUNG
SUPERVISORY PATENT EXAMINER

/Thomas Alunkal/
Examiner Art Unit 2627